

REMARKS

Claims 1, 3-5, 7, 8, 11, 13-17, 24-29, 31, 32, 35, 37-58 and 72-97 are pending. By this Amendment, claims 1, 4, 24, 44, 72 and 80 are amended. The claims are amended to even more clearly distinguish over the newly-applied reference. In particular, independent claims 1, 24, 72 and 80 are amended to further clarify that the second component is dispersed in the first component in a state of being held by holding members. That is, the second component is dispersed in the first component while the second component is held by holding members. Claim 44 is amended to clarify that the holding member is capable of being dispersed in a liquid. In addition, a typographical informality is corrected in dependent claim 4. Thus, no new matter is added by the above amendments.

Applicants respectfully submit that the above amendments should be entered after final rejection at least because: (1) they amplify issues previously argued, and thus do not raise any new issues or the issue of new matter; (2) they could not have been made earlier because they are made in reply to a rejection made for the first time in the November 26, 2004 Office Action, (3) they place this application in even better condition for allowance, or at least better condition for appeal; and (4) they do not add any claims.

Applicants note with appreciation the allowance of claims 54-58 and 90-97. In addition, independent claim 44 and its dependent claims are not mentioned in the Office Action, except that claim 46 is identified as being allowable if rewritten in independent form. Accordingly, it is believed that claims 44-53 also are in condition for allowance. In any event, the Office Action did not reject claim 44 and its dependent claims.

Applicants also note with appreciation the identification of allowable subject matter in claims 14-16, 38-43, 46, 77-79 and 84-89. Applicants submit that it is not necessary to rewrite these claims in independent form because their corresponding independent claims are in condition for allowance as detailed below.

Claims 1, 3-5, 7, 8, 11, 13, 17, 24-29, 31, 32, 35, 37, 55-58, 72-76 and 80-83 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,596,120 to Knodel et al.¹ This rejection is respectfully traversed.

The Office Action asserts that element 40 of Knodel et al. corresponds to the claimed holding members. However, element 40 of Knodel et al. is a single vessel that holds a mixture of an aqueous liquid (possibly including ice) and a liquefied refrigerant. See, for example, col. 5, lines 41-64. Accordingly, Knodel et al. does not disclose or suggest the combination of a first component and a second component dispersed in the first component in a state of being held by holding members, as recited in independent claims 1, 24, 72 and 80. With respect to independent claim 44, the vessel 40 of Knodel et al. does not correspond to the claim 44 holding member because it is not capable of existing dispersedly in a liquid. Thus, Knodel et al. also does not disclose or suggest the combination of features recited in independent claim 44, as acknowledged by the fact that the Office Action did not previously reject independent claim 44.

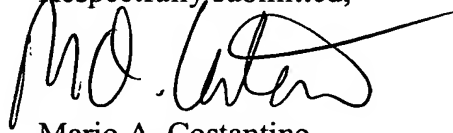
Withdrawal of the rejection is requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

¹ Although claims 55-58 are identified as being included in this rejection, as noted above, the Office Action also allows claims 55-58. In addition, the Office Action Summary (Form PTOL-326) also indicates that claims 55-58 are allowed. Accordingly, it is believed that claims 55-58 were intended to be allowed.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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